REMARKS

In response to the outstanding Office Action mailed July 7, 2005, Applicant has amended the specification, responsive to the objection set forth at pages 2-3 of the Action, amended claims 8 and 14, responsive to the objection noted at page 3 of the Action, and amended claims 1 and 25, responsive to the rejections under 35 U.S.C. § 112, second paragraph, set forth at pages 3-4 of the Action. Applicant notes that claim 2 has been cancelled, rather than amended.

Additionally, the Examiner objected to the term "approximately" in claims 7, 8 and 25 as a relative term, which renders the claim indefinite. In response, Applicant notes that the claims, when read in light of the specification, are sufficiently definite to a person skilled in the art to satisfy 35 U.S.C. § 112, second paragraph. In particular, the specification refers to the need to measure the temperature of certain food items which have temperatures ranging between 120° C and 130° C in the application at page 16, lines 12-18. Further, at page 17, reference is made to the operating temperature of the sensor being extended to approximately -40°C. In this connection, a person having ordinary skill in the art, recognizing that the sensor is intended for use in connection with measuring the temperature of food items, would recognize that precise minimum and maximum operating limits of the sensor are not critical to making and using the invention. According, reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. § 112, second paragraph, is requested.

Claims 1-3, 13-15 and 20-23 are rejected under 35 USC 102(b) based on REBER et al (US 5 798 694) which discloses a temperature sensor (34) (col. 3, l. 43-51) which detects, in association with a tag (30), temperature proximate to the food item (col. 4, l. 39-41), but not completely inserted into the food as recited in independent Claims 1 and 20, as amended. Support for this amendment may be found in the specification at page 16, lines 1-7. Claim 20 has been further amended to include the term "autonomous and independent from the oven behaviour," support for which is found at page 19, beginning at line 19 to the following pages, and figure 4. The prior art temperature sensor does not comprise a compact unit having a temperature transducer and a transmitter circuit, constructed so as to be completely inserted into the food item so that it can be only subjected to the heat present inside the food item.

On the contrary, the temperature sensor (34) of REBER et al is comprised in a first or a second electrical component (col. 10, l. 3-7) which is associated with the container (26) or its cover (28) (col. 9, l. 26-29).

As well, the tag (30) is integrated with or attached to the container (26) and/or the cover (28) (col. 3, l. 23-28).

Additionally, REBER et al does not disclose a wireless communication between the temperature sensor and the tag but only a signal communication between these two elements (col. 3, l. 50-51) the wireless communication being between the tag and an external receiver (64). Consequently, the temperature sensor of REBER et al is not wireless and therefore does not comprise an electromagnetic wave transmitter circuit as recited in Claim 1.

Finally, REBER et al does not disclose an autonomous non-saline, non-alkaline electric cell as recited in claim 1.

Furthermore, one skilled in the art would not be led by REBER et al to make a temperature sensor as recited in Claim 1, as the temperature sensor of Claim 1 is not inherently described in REBER et al as it relates to another concept, specifically, an independent sensor inserted in food.

Claims 1-3, 13-15 and 20-23 are rejected under 35 U.S.C. § 102(b) as being anticipated by Reber et al. As to the rejection of the remaining claims under 35 U.S.C. § 102(b), Applicant notes that those claims depend from independent claim 1 or independent claim 20 and, therefore, include the above-described patentably distinct limitations. Accordingly, reconsideration and withdrawl of the rejections under 35 U.S.C § 102(b) is requested.

Claims 4-10 are rejected under 35 U.S.C. § 103 as being unpatentable over Reber et al. In this connection, Applicant assumes that the Examiner is referring to claims 7-10, but

regardless, since claims 4-10, as well as 7-10, depend from claim 1, Applicant submits that such claims are patentably distinguishable over Reber et al. for the reasons described above.

Applicant notes with appreciation the Examiner's indication of allowability of claims 5, 6, 11, 12, 16-19 and 24. However, Applicant submits that, for the reasons noted above all of the claims pending for examination, namely claims 1 and 3-8 and 10-26 are now in condition for allowance, which early action is requested.

Respectfully submitted,

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Kenneth Schmidt October 7, 2005

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